IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH.

I.T.R. Nos.126 of 1996
Date of decision: 22.11.2006

The Commissioner of Income Tax, Jalandhar.

---Applicant

Vs.

Smt. Paramjit Kaur, Jalandhar.

-----Respondent

CORAM:- HON'BLE MR JUSTICE ADARSH KUMAR GOEL
HON'BLE MR JUSTICE RAJESH BINDAL

Present: Dr. N.L. Sharda, Advocate
for the revenue.

ORDER:

Following question of law has been referred for opinion of this Court by the Income Tax Appellate Tribunal, Amritsar Bench, Amritsar, arising out of its order dated 20.12.1994 in I.T.A. No.236(ASR)/1990 in respect of assessment year 1987-88:-

> "Whether on the facts and in the circumstances of the case, the Ld. Income-tax Appellate Tribunal is right in law in deleting the addition of Rs. 51,437/- by applying the amended provisions of section 43B of the Income-tax Act to the proceedings relating to the assessment year 1987-88 when the amendment was effected from 1.4.1988?"

It is fairly conceded by the learned counsel for the revenue that the issue is covered against the revenue and in favour of the assessee by the judgment of Hon'ble the Supreme Court in ***Allied Motors (P) Limited v. Commissioner of Income Tax*** (1997) 224 ITR 677.

Following the above judgment of the Hon'ble Supreme Court, the issue has been decided against the revenue and in favour of the assessee vide

order of this Court dated 5.9.2006 in ITR No.94 of 1996, ***The Commissioner of Income tax (C), Ludhiana v. M/s Avery Cycle Inds. Pvt. Limited, Ludhiana.***.

Accordingly, the question is answered against the revenue and in favour of the assessee.

(ADARSH KUMAR GOEL)
JUDGE

November 22, 2006 **(RAJESH BINDAL)**
ashwani **JUDGE**